

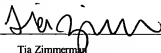
PATENT
Docket No. 241002000100

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Label No.: EV 332 781 173 US

Date of Deposit: March 12, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: MS Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Tia Zimmermann

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Donald J. EATON et al.

Serial No.: Not Yet Assigned

Filing Date: Concurrently Herewith

For: SINUS DELIVERY OF SUSTAINED
RELEASE THERAPEUTICS

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98

MS PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Pursuant to the USPTO notice dated July 11, 2003, waiving the requirement under 37 C.F.R. § 1.98 (a)(2)(i) to provide copies of U.S. Patents and U.S. Published Applications, copies of those references are not submitted. Copies of foreign documents and non-patent literature are submitted herewith. The Examiner is requested to make these documents of record.

This Information Disclosure Statement is submitted:

- ☒ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- ☐ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of __ is enclosed.
 - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of __ is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

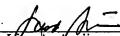
The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. §1.17(p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **241002000100**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: March 12, 2004

Respectfully submitted,

By: _____



Lisa A. Amii
Registration No. 48,199

Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, California 94304-1018
Telephone: (650) 813-5674
Facsimile: (650) 494-0792

PTO/SB/08 (2-92)

Sheet 1 of 1

Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>(Use several sheets if necessary)</i>	Docket Number 241002000100	Application Number Not Yet Assigned
	Applicant Donald J. EATON et al.	
	Filing Date Concurrently Herewith	Group Art Unit Not Yet Assigned
	Mailing Date March 2, 2004	

U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	11/21/2000	6,149,944	Jeong et al.			
	2.	04/29/2003	6,555,566	Ponikau			
	3.	04/30/1996	5,512,055	Domb et al.			
	4.	07/27/1999	5,928,190	Davis			
	5.	05/26/1992	5,116,311	Lofstedt			
	6.	08/30/1994	5,342,296	Persson et al.			

FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	7.	01/11/2001	WO 01/02024	WIPO			

OTHER DOCUMENTS *(including author, title, Date, Pertinent Pages, Etc.)*

Examiner Initials	Ref. No.	Title
	8.	Lavigne, F. et al. (2002). "Intranasal Administration of Topical Budesonide to Allergic Patients With Chronic Rhinosinusitis Following Surgery," <i>The Laryngoscope</i> 112, seven pages.
	9.	Min, Y-G. et al. (1995). "Application of Polylactic Acid Polymer in the Treatment of Acute Maxillary Sinusitis in Rabbits," <i>Acta Otolaryngol.</i> 115:548-552.
	10.	Min, Y-G. et al. (1995). "Mucociliary Activity and Histopathology of Sinus Mucosa in Experimental Maxillary Sinusitis: A Comparison of Systemic Administration of Antibiotic and Antibiotic Delivery by Polylactic Acid Polymer," <i>Laryngoscope</i> 105:835-842.
	11.	Piskunov, S. et al. (1993). "The Prolongation of Drug Action in the Treatment of Diseases of the Nose and Paranasal Sinuses," <i>Rhinology</i> 31:33-36.

EXAMINER: /Catherine Witczak/ (06/04/2008)	DATE CONSIDERED: 06/04/2008
EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.	

PTO/SB/08 (2-92)

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

pa- 867440

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /CW/